

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KVITNITSKY1A

In re Application of:)	Conf. No.: 5965
)	
Emma KVITNITSKY et al)	Art Unit:
)	
Appln. No.: 10/553,757)	Examiner:
)	
Filed:)	Washington, D.C.
)	
For: STABILIZED DERIVATIVES)	January 3, 2007
OF ASCORBIC ACID)	

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

On October 6, 2006, applicant filed a "Petition under 37 C.F.R. §1.47(a)" to accept the present application without the signature of joint inventor Valdimir Babstov. By "Decision on Petition under 37 C.F.R. §1.47(a)" dated October 31, 2006, the Patent and Trademark Office dismissed the petition without prejudice, stating that any reconsideration request must be filed within two months of the mail date of the decision. Applicant hereby renews its previously filed petition under 37 C.F.R. §1.47(a) and requests reconsideration of the decision of October 31, 2006, and granting of

applicant's petition in light of the additional evidence submitted herewith.

In the decision on petition of October 31, 2006, the Patent and Trademark Office ruled that the evidence does not sufficiently demonstrate that a *bona fide* attempt was made to present a copy of the application papers to the non-signing inventor for signature. The decision states on page 2:

However, the mailing process is not entirely clear. Before the petition can be granted applicant should confirm to the office that Mr. Babstov lived at the address in question when the notice was left. This is to make sure that the parcel was not picked up or delivered since the address was no longer valid.

Submitted herewith is a declaration of Paulina Ben-Ami and new Exhibits 7 and 8. Exhibit 7, referred to in the Ben-Ami declaration, is a communication from the Israel Ministry of the Interior, stating the current address as registered in the Public Registration Office of the Israel Ministry of the Interior for Valimir Babstov. Exhibit 8 is a translation thereof. It can be seen that the current records of the Public Registration Office have Mr. Babstov residing at the same address to which the registered letter was sent. Israeli law requires that the Public Registration Office be notified of any changes in residence address of all Israeli citizens. As the currently registered address for Mr. Babstov is the same as the last known address of Mr. Babstov at the

time that the registered mail was sent, it is apparent that there has been no change of address and that the address to which the registered mail was sent was indeed the residence of Mr. Babstov and that he was living at that address at the time in question.

It is urged that this evidence now resolves this issue and allows the petition to be grantable.

The decision also objected to the declaration submitted by each of the 37 C.F.R. 1.47(a) applicants on his/her own behalf and on behalf of the non-signing joint inventor. The decision states that, while each inventor need not execute the same declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Attached hereto are the three separate declarations executed by the 37 C.F.R. 1.47(a) inventors. Accordingly, this requirement has also now been met.

Reconsideration of the decision on petition of October 31, 2006, consideration of the present renewed petition and request for reconsideration, and the evidence and declarations attached hereto, and granting of applicant's

In re of Appln. No. 10/553,757

Petition under 37 C.F.R. §1.47(a) are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:jmd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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OF ASCORBIC ACID)	

DECLARATION OF PAULINA BEN-AMI

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

I, the undersigned Paulina Ben-Ami, hereby declare
and state as follows:

I am a patent attorney registered to practice in
Israel, although I am not an attorney-at-law.

In an attempt to prove the current address of
Vladimir Babtsov, documentation was requested from the Israel
Ministry of the Interior.

The Law of Registration of Inhabitants/Residents,
1965, Article 2, requires the registration of certain details,
including residence address, in the Public Registration Office
for each resident in Israel, as well as any change therein.

Article 17 contains a requirement to inform the Public Registration Office of any change in these details, including address. Article 3 provides that any certificate issued by the Public Registration Office attests to the correctness of the registered details.

Submitted herewith as Exhibit 7 is a communication from the Israel Ministry of the Interior containing the database query results for Vladimir Babtsov.

Submitted herewith as Exhibit 8 is a copy of this Hebrew language document with interlineated English translations for all of the Hebrew words thereon. I am familiar with both the English and Hebrew languages and I hereby affirm that the translations on Exhibit 8 are true and correct translations of the corresponding Hebrew language words.

It can be seen that the current records of the Public Registration Office have Mr. Vladimir Babtsov residing at Menachem Begin 45, Apartment 2, Kiryat Shmona, 11631 Israel. This is the same address to which were sent the registered letters referred to in the previously filed Benaroya and Folman Declarations. As Mr. Babtsov's last known address (to which the registered mail was sent) and his current address are the same, the conclusion must be reached

In re of Appln. No. 10/553,757

that he lived at this address on the date when the registered mail was sent.

Accordingly, this documentation confirms that Mr. Babtsov lived at the address in question at the time that the registered mail was sent.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

January 3, 2007

Date

/Paulina Ben-Ami/

Paulina Ben-Ami

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

STABILIZED DERIVATIVES OF ASCORBIC ACID

the specification of which (check one)

- ☐ is attached hereto;
☐ was filed in the United States under 35 U.S.C. §111 on _____, as
U.S. Appln. No. _____*; or
☒ was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international
(PCT) application, PCT/IL04/000343; filed April 21, 2004, entry requested on October 20, 2005*; national
stage application received U.S. Appln. No. _____*; §371/§102(e) date _____* (* if
known)

and was amended on _____ (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
<u>60/464,097</u>	<u>04/21/2003</u>
_____	_____

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
_____	_____	_____
_____	_____	_____

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with **Customer Number 001444**, which is presently:

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, D.C. 20001-5303
(202) 628-5197

Title STABILIZED DERIVATIVES OF ASCORBIC ACID

U.S. Application filed _____, Serial No. _____

PCT Application filed April 4, 2004, Serial No. PCT/IL04/000343

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from Ben-Ami and Associates as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR Emma KVTNITSKY	INVENTOR'S SIGNATURE See Page 3	DATE
RESIDENCE Kiryat Shmona, Israel	CITIZENSHIP Israel	
POST OFFICE ADDRESS 25/15 Vradim Street, Kiryat Shmona, 11632 Israel		
FULL NAME OF SECOND JOINT INVENTOR Valery BELAKHOV	INVENTOR'S SIGNATURE See Page 3	DATE
RESIDENCE Haifa, Israel	CITIZENSHIP Israel	
POST OFFICE ADDRESS 5/2 Yaacov Chazan Street, Haifa, 23881 Israel		
FULL NAME OF THIRD JOINT INVENTOR Vladimir BABTSOV	INVENTOR'S SIGNATURE See Page 3	DATE
RESIDENCE Kiryat Shmona, Israel	CITIZENSHIP Israel	
POST OFFICE ADDRESS 45/2 Menachem Begin Street; Kiryat Shmona, 11631 Israel		
FULL NAME OF FOURTH JOINT INVENTOR Yury SHAPIRO	INVENTOR'S SIGNATURE See Page 3	DATE
RESIDENCE Givat Shmuel	CITIZENSHIP Israel	
POST OFFICE ADDRESS 19/8 Hanasi Street, Givat Shmuel, 54021 Israel		
FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
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ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.

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PCT Application filed April 4, 2004, Serial No. PCT/IL04/000343

We, Emma Kvitnitsky, Valery Belakhov, and Yury Shapiro, are each an above-named joint inventor and are signing this declaration on my own behalf and are also signing this declaration under 37 C.F.R. §1.47(a) on behalf of the non-signing joint inventor. The non-signing joint inventor, Vladimir Babtsov who, on information and belief refuses to sign, is a citizen of Israel, whose last known post office address and residence were at 45/2 Menachem Begin Street, Kiryat Shmona, 11631 Israel.

DateApril 3, 2006_____
Date_____
Emma Kvitnitsky_____
Valery Belakhov_____
Yury Shapiro

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which (check one)

- ☐ is attached hereto;
☐ was filed in the United States under 35 U.S.C. §111 on _____, as
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20.04.06
Date


Emma Kvitnitsky

Date

Valery Belakhov

Date

Yury Shapiro

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

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Date_____
Emma Kvitnitsky_____
Date_____
Valery Belakhov_____
DateApril 30, 2006_____
Yury Shapiro